



Paper No. 7

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OFFICE OF PETITIONS

ON PETITION

¹ See notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993). *Delgar v. Schulyer*, 172 USPO 513 (D.D.C. 1971).

The showing presented in the instant petition is not sufficient to withdraw the holding of abandonment because a party with first hand knowledge of the alleged non-receipt of the July 18, 2000 Notice has not made a statement as to whether or not the Notice was received. The current attorney of record in St. Louis, Missouri attests to the fact that a thorough search of the application file was conducted. However, it is the staff at General Electric, located in Louisville, Kentucky, who actually would have received and processed the communication at issue. General Electric is the only party that can explain the docking procedure and attest to the fact that the July 18, 2000 Notice was not received. A statement by General Electric is required in order to show non-receipt at the correspondence address of record around the time the Notice was mailed.

Accordingly, the petition under 37 CFR 1.181 is **dismissed**.

The petition under 37 CFR 1.137(b) is **granted**. The Offices acknowledges receipt of a signed declaration and the surcharge for the late filing of the signed declaration.

The application will be returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 308-6712.



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